

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7227

BILL NUMBER: HB 1306

DATE PREPARED: Jan 9, 2002

BILL AMENDED:

SUBJECT: Isolated private wetlands.

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FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill specifies the types of private ponds and wetlands that are not considered waters of the state.

Effective Date: Upon passage.

Explanation of State Expenditures: This proposed language will have a fiscal impact on the Department of Environmental Management (IDEM). The language would add "isolated private wetlands" as an exclusion from the definition of "waters." The proposed language states "...with no surface connection with waters of the state or of the U.S." Currently, IDEM relies on the U.S. Army Corps of Engineers to make determinations regarding whether a given water of the U.S. is isolated. The Corps does not look at waters of the state, which is a universe that is much broader than waters of the U.S. Under this proposal, other wetlands would still be under IDEM authority, and IDEM would have to investigate all permit applications and requests to verify whether an area is or is not exempt. Additional staff would be needed in order to make those determinations. IDEM would need to evaluate the amount of work and the number of projects that would require IDEM evaluation/delineation. One or two additional staff at the Environmental Scientist 3 level may be needed to conduct the determinations at an estimated cost ranging between \$48,729 - \$97,458 per year (ES 3 costs \$48,729). Implementation of the proposal would also require one or two new vehicles and roughly \$3,000-5,000 worth of equipment per person per year.

The change in the definition of "waters" would also affect NPDES dischargers, landfill permits, drinking water, and confined feeding/land application permits. All would need to make similar jurisdictional calls before processing applications. An additional two to three staff at the PAT III level would be needed. Assuming three new staff, total personnel costs are estimated at \$150,000.

The funds and resources required above could be supplied through a variety of sources, including the following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and

resources currently being used in another program; (3) Authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) Funds that, otherwise, would be reverted; or (5) New appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Environmental Management.

Local Agencies Affected:

Information Sources: Erika Seydel Cheney, Director of the Office of Business and Legislative Relations (IDEM), 317-232-8598.